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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/932,671      | 08/17/2001  | Christopher John Marshall | 2001-01             | 5047             |

7590

07/22/2003

Mark H. Snyder  
375 Walnut Avenue  
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Carlsbad, CA 92008

EXAMINER

BURNHAM, SARAH C

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,671

Applicant(s)

MARSHALL, CHRISTOPHER  
JOHN

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,7,8,10,15,16 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9,11-14 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3636

## DETAILED ACTION

### *Drawings*

1. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- the perimeter of said pass-through (claim 5, lines 4-5)

Appropriate correction is requested.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-12 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Conte (6,276,752). Conte reveals a

mat (10) "for motor vehicle seating" (column 3, line 3). The mat (10) has a perimeter (unlabeled) and a conformal surface (20)(24) for placement between a motor vehicle seat (14) and a child safety seat (12). The mat (10) has a lateral dimension (unlabeled) and a longitudinal dimension (unlabeled). The lateral dimension (unlabeled) of the mat (10) extends beyond the lateral confinement (unlabeled) of the child safety seat (12), as best seen in Figure 1. The conformal surface (20)(24) has a horizontal portion (20) that conforms to the seat (14) and a vertical portion (24) that conforms to the seat back (unlabeled). The mat (10) has a flange (unlabeled) comprised of sidewalls (22)(25)(26)(30)(32)(34) extending at least one inch from conformal surface (20) around the entire periphery (unlabeled) of conformal surface (20)(24). The flange (unlabeled) and the conformal surface (20)(24) define an enclosed, liquid-proof space surrounding a child safety seat adapted to contain liquids and other debris to protect a horizontal surface of the motor vehicle seat (14) (column 3, lines 20-23). Mat (10) is constructed of a plastic material flexible enough to allow the flange to be folded against the conformal surface for easier storage (column 4, lines 51-54). Mat (10) includes a pass-through (44) for a safety belt (16) that maintains integrity of the conformal surface (20)(24).

Conte does not explicitly state that the lateral dimension of the mat (10) extends at least 2 or 3 inches beyond the lateral confinement of the safety seat (12). Applicant does not reveal the criticality of the 2 or 3-inch extension of the lateral dimension beyond the lateral confinement of the safety seat. Therefore, it is of the examiner's

opinion, that the 2 or 3-inch extension of the lateral dimension beyond the lateral confinement of the safety seat is a matter of design choice.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to design the lateral dimension to extend 2 or 3-inches beyond the lateral confinement of the safety seat. Such a design choice would ensure that a variety of different sized child safety seats could be accommodated within the lateral dimension (unlabeled) of the mat (10).

Conte does not explicitly state that containment area (unlabeled) of mat (10) is capable to holding over one half liter of liquid. A reasonable interpretation of the dimensions of the seating device disclosed in the Conte drawings would lead one of ordinary skill in the art to assume that the device inherently holds in excess of 61.02 cubic inches of water (i.e. a minimum of 8 inches wide, 8 inches long and 1 inch high).

6. Claims 1, 3-4, 6, 9, 13-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conte (6,276,752) in view of Watson et al. (5,120,108). As disclosed above, Conte, reveals all claimed elements with the exception of a mat having a longitudinal dimension that extends beyond the base of the safety seat and into the foot well and having a vertical portion and a horizontal portion that conforms to the foot well.

Watson et al. teaches the use of a seat and protection device (10) that has a longitudinal dimension (unlabeled) that extends into a footwall area (unlabelled). Device (10) has a vertical portion (16) that conforms to a vertical wall (unlabeled) of a foot well

Art Unit: 3636

area (unlabeled) and a horizontal portion (22) that conforms to the floor (26) of the foot well area (unlabeled).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to extend the longitudinal dimension of the mat (10) disclosed by Conte with the teachings of Watson et al. Such a modification would extend the protection provided by the Conte device beyond the vehicle seat to include a downward extending surface of the vehicle seat and the vehicle floor and would also provide additional traction to the seat occupant when they are entering the vehicle.

#### ***Allowable Subject Matter***

7. Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Amendment/Arguments***

8. The response filed on 4 March 2003 has been fully considered. Remaining issues are detailed in the above sections. The arguments presented with respect to the Gaudet et al. reference are moot in view of the new grounds of rejection set forth above. This action is **NON-FINAL**.

Art Unit: 3636

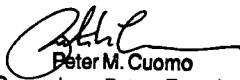
**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

SCB  
July 17, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600